

UNITED STATES DISTRICT COURT

for the

Eastern District of California

**FILED**

MAY 20 2008

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BY [Signature]  
DEPUTY CLERK

United States of America )

v. )

MARCOS ENRIQUE GARCIA )

Date of Previous Judgment: June 10, 2005 )

(Use Date of Last Amended Judgment if Applicable) )

Case No: 2:03CR0549-02

USM No: 14908-097

David M. Porter, AFD

Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 84 months is reduced to 67.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: 33

Amended Offense Level: 31

Criminal History Category: I

Criminal History Category: I

Previous Guideline Range: 135 to 168 months

Amended Guideline Range: 108 to 135 months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

☐ The reduced sentence is within the amended guideline range.

☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

**III. ADDITIONAL COMMENTS**

This sentence consists of 67 months on each of Counts 1 through 6, all to be served concurrently.

Except as provided above, all provisions of the judgment dated 6/10/2005 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: May 13, 2008

[Signature]  
Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

EDWARD J. GARCIA, SR. U. S. DISTRICT JUDGE  
Printed name and title